

THE HONORABLE BENJAMIN H. SETTLE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

COMMANDER EMILY SHILLING, et al.,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as
President of the United States, et al.,

Defendants.

No. 2:25-cv-241-BHS

STIPULATED MOTION TO FILE
AMENDED COMPLAINT AND
SUPPLEMENTAL PRELIMINARY
INJUNCTION BRIEFING; AMEND
BRIEFING SCHEDULE; AND SET
PRELIMINARY INJUNCTION
MOTION FOR A HEARING

NOTE ON MOTION CALENDAR:
March 3, 2025

By way of this Stipulated Motion, Plaintiffs and Defendants (collectively, “Parties”), by and through their undersigned counsel, respectfully request an order (1) granting Plaintiffs leave to file an Amended Complaint¹ and Supplement to their Motion for Preliminary Injunction on or before March 4, 2025; and (2) granting Defendants until March 14, 2025 to file their Opposition to Plaintiffs’ Motion for Preliminary Injunction and the Supplement thereto. Plaintiffs further request that the Court set a hearing on Plaintiffs’ Motion for Preliminary Injunction sufficiently in advance of March 27, 2025, such that the Court may issue its order on or before that date. Defendants defer to the Court as to whether to hold a hearing. This Stipulated Motion is noted for same day consideration pursuant to W.D. Wash. LCR 7(d)(1).

¹ At this juncture, Plaintiffs are entitled to amend as a matter of course under Federal Rule of Civil Procedure 15(a)(1) because no responsive pleading or motion has been filed in relation to the original complaint.

1 Plaintiffs filed their Complaint [Dkt. No. 1] on February 6, 2025. On February 19, 2025,
 2 Plaintiffs filed their Motion for Preliminary Injunction [Dkt. No. 23] (the “Motion”). The Motion
 3 is currently noted for consideration on March 19, 2025. Under the default schedule established
 4 by this Court’s Local Rules for civil cases, Defendants’ Opposition Brief is currently due on or
 5 before March 12, 2025, and Plaintiffs’ Reply Brief is due on or before March 19, 2025. For
 6 reasons explained below, good cause exists to grant the Parties’ requested relief regarding
 7 amending the briefing scheduling and hearing date related to the Motion.

8 *First*, good cause exists for Plaintiffs to file an Amended Complaint and Supplement to
 9 their Motion for Preliminary Injunction. On February 26, 2025, the Department of Defense (the
 10 “DoD”) issued guidance entitled “Additional Guidance on Prioritizing Military Excellence and
 11 Readiness” (the “Guidance,” attached hereto as **Exhibit A**). The Guidance explains how the
 12 DoD will implement the Executive Order centrally at issue in this case, Executive Order 14183,
 13 “Prioritizing Military Excellence and Readiness” (the “E.O.”). Among other things, the
 14 Guidance states that “[w]ithin 30 days” the DoD will “identify Service members who have a
 15 current diagnosis or history of, or exhibit symptoms consistent with, gender dysphoria.” Exhibit
 16 A § 3.4(e). The Guidance further states that “[w]ithin 30 days of identification pursuant to
 17 section 3.4(e),” the Secretaries of the Military Departments will “begin separation actions, in
 18 accordance with section 4.4 of this attachment.” *Id.* § 3.4(f). On February 28, 2025, the DoD
 19 issued clarifying guidance stating that “DoD personnel shall take no action to identify Service
 20 members pursuant to the [Guidance] until March 26, 2025” and that the DoD “will provide
 21 additional guidance prior to March 26, 2025, concerning identification processes and
 22 procedures.” **Exhibit B** at 1.

23 Because the Guidance is directly related to the E.O., the Parties agree that Plaintiffs will
 24 amend their Complaint and Supplement their Preliminary Injunction Motion to address it.
 25 Plaintiffs will file both submissions no later than March 4, 2025.
 26

1 *Second*, the Parties further agree that Defendants shall have up to and including March
 2 14, 2025, to file their Opposition to Plaintiffs' Motion for Preliminary Injunction, which will
 3 address Plaintiffs' original Motion and the Supplement. Good cause exists to amend the deadline
 4 for the Opposition Brief by two days such that Defendants may have time to address Plaintiffs'
 5 additional briefing, and due to the press of Defendants' case load. This extension of time will not
 6 affect the deadline for Plaintiffs' Reply Brief in Support of their Motion for Preliminary
 7 Injunction, which remains due on or before March 19, 2025.

8 Therefore, the Parties propose and stipulate to the following schedule regarding
 9 Plaintiffs' Complaint and Motion for Preliminary Injunction:

- 10 1. Plaintiffs will file an Amended Complaint and a Supplemental Brief in Support of
 11 the Motion for Preliminary Injunction on or before March 4, 2025;
- 12 2. Defendants will file their Brief in Opposition to Plaintiffs' Motion for Preliminary
 13 Injunction on or before March 14, 2025;
- 14 3. Plaintiffs will file a Reply Brief in Support of their Motion for Preliminary
 15 Injunction on or before March 19, 2025.

16 Plaintiffs respectfully request that this Court set a hearing on the Motion for
 17 Preliminary Injunction sufficiently in advance of March 26, 2025, such that the Court may
 18 issue its order on or before that date, giving the Court an opportunity to maintain the status quo.
 19 Defendants defer to the Court as to whether to hold a hearing .

20 There have been no prior extensions requested by the Parties. The Parties agree that
 21 neither party will suffer any prejudice if the Court grants the relief requested herein.

22 It is so stipulated, by and between the Parties.
 23 Pursuant to W.D. Wash. LCR 7(e)(6), I certify that this memorandum contains 775 words, in
 24 compliance with the Local Civil Rules.
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 26

1 DATED this 3rd day of March, 2025.

2 *Stipulated and Agreed by:*

3 By: s/ Matthew P. Gordon

4 Matthew P. Gordon, WSBA No. 41128

5 Abdul Kallon, WSBA No. 60719

6 **Perkins Coie LLP**

7 1201 Third Avenue, Suite 4900

8 Seattle, Washington 98101-3099

9 Telephone: 206.359.8000

10 Facsimile: 206.359.9000

11 E-mail: MGordon@perkinscoie.com

12 E-mail: AKallon@perkinscoie.com

13 Danielle Sivalingam (*pro hac vice*)

14 **Perkins Coie LLP**

15 505 Howard Street, Suite 1000

16 San Francisco, CA 94105-3204

17 Telephone: 415.344.7000

18 Facsimile: 415.344.7050

19 E-mail: DSivalingam@perkinscoie.com

20 Mary Grace Thurmon (*pro hac vice*)

21 Bo Yan Moran (*pro hac vice*)

22 **Perkins Coie LLP**

23 3150 Porter Drive

24 Palo Alto, CA 94304-1212

25 Telephone: 650.838.4300

26 Facsimile: 650.838.4350

E-mail: MThurmon@perkinscoie.com

E-mail: BMoran@perkinscoie.com

Gabriella Romanos Abihabib (*pro hac vice*)

Perkins Coie LLP

1155 Avenue of the Americas, 22nd

Floor

New York, NY 10036-2711

Telephone: 212.262.6900

Facsimile: 212.977.1649

E-mail: GRomanos@perkinscoie.com

Attorneys for Plaintiffs

Sasha Buchert (*pro hac vice*)

Lambda Legal Defense and

Education Fund, Inc.

815 16th St. NW, Suite 4140

Washington, DC 20006

By: s/ John Robinson

YAAKOV M. ROTH

Acting Assistant Attorney General

ALEXANDER K. HAAS

Director, Federal Programs Branch

JEAN LIN

Special Litigation Counsel

JASON C. LYNCH

JOHN ROBINSON

ELIZABETH B. LAYENDECKER

Trial Attorneys

United States Department of Justice

Civil Division, Federal Programs

Branch

1100 L Street NW

Washington, DC 20005

Telephone: 202.616.8489

Facsimile: 202.514.1359

Jean.Lin@usdoj.gov

Jason.Lynch@usdoj.gov

John.J.Robinson@usdoj.gov

Elizabeth.B.Layendecker@usdoj.gov

Attorneys for Defendants

1 Telephone: 202.804.6245
2 Facsimile: 855.535.2236
3 E-mail: SBuchert@lambdalegal.org
4 Jennifer C. Pizer (*pro hac vice*)
5 **Lambda Legal Defense and**
6 **Education Fund, Inc.**
7 800 South Figueroa Street, Suite 1260
8 Los Angeles, CA 90017
9 Telephone: 213.382.7600
10 Facsimile: 855.535.2236
11 E-mail: JPizer@lambdalegal.org

12 Camilla B. Taylor (*pro hac vice*)
13 Kenneth Dale Upton, Jr. (*pro hac vice*)
14 **Lambda Legal Defense and**
15 **Education Fund, Inc.**
16 3656 N Halsted St.
17 Chicago, IL 60613
18 Telephone: 312.663.4413
19 Facsimile: 855.535.2236
20 E-mail: CTaylor@lambdalegal.org
21 E-mail: KUpton@lambdalegal.org

22 Omar Gonzalez-Pagan (*pro hac vice*)
23 **Lambda Legal Defense and**
24 **Education Fund, Inc.**
25 120 Wall Street, 19th Floor
26 New York, NY. 10005-3919
Telephone: 212.809.8585
Facsimile: 855.535.2236
E-mail: OGonzalez-Pagan@lambdalegal.org

Kell Olson (*pro hac vice*)
Lambda Legal Defense and
Education Fund, Inc.
3849 E Broadway Blvd, #136
Tucson, AZ 85716
Telephone: 323.370.6915
Facsimile: 855.535.2236
E-mail: KOlson@lambdalegal.org

Attorneys for Plaintiffs

Sarah Warbelow (*pro hac vice*)
Cynthia Weaver (*pro hac vice*)
Ami Patel (*pro hac vice*)
Human Rights Campaign
Foundation
1640 Rhode Island Ave. N.W.
Washington, DC 20036

1 Telephone: 202.527.3669
2 Facsimile: 202.347.5323
3 E-mail: Sarah.Warbelow@hrc.org
4 E-mail: Cynthia.Weaver@hrc.org
5 E-mail: Ami.Patel@hrc.org

6 *Attorneys for Plaintiffs*
7
8
9
10
11
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19
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